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BULLS OF THE POPES
PAUL THE THIRD,
A N D
PIUS THE FIFTH,
Emitted against KING
HENRY The 8. And **QUEEN ELIZABETH**
OF
ENGLAND.

Printed in the Year, 1686.

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TO

The Right Honourable and truly Noble

JAMES

EARL OF PERTH,
LORD DRUMMOND, &c.

L O R D H I G H

CHANCELLOUR
O F
S C O T L A N D .

M Y L O R D ,



Here is nothing so much amuseth these out of the Communion of the Catholick Church, as the supposed guilt of Disloyalty, maliciously fixed upon the Roman Catholick Religion: Nor is there any thing more confirms this unhappy prejudice in the Hearts of Honest and Loyal Subjects in these Kingdoms, then the Bulls and dam-

damnatory Sentences issued out by the Popes PAUL the Third and PIUS the Fifth, against King HENRY the Eighth, and Queen ELIZABETH of England: Now untill this great mistake be removed, the Subjects divide amongst themselves, and ill Blood is Nourished, to the intollerable damage of his MAJESTY, whose Interest is the less secured while so dangerous an Hypothesis is unjustly charged on Catholick Subjects, and no vindication made to wipe off so foul a Crime: For if a Catholick Prince must not trust his Catholick Subjects, he must give only credit to those who would have the municipal Statutes of this Kingdom, made upon politick considerations, unalterable and irreversible, never to be repealed upon the fairest emergencies, and justest reflections, that after Ages may make for the discovery of concurred prejudices, which were to bind up the hands of Princes in the prudent management of their Affairs, and restrict their supreme Right of Legislation. My LORD, I have adventured to vindicate the Church Catholick from so destructive a Doctrine in as few Words as the subject matter could allow off: And since none hath suffered the severe lashes of viperous Tongues more then Your Lordship, for that the Catholick Religion is joined in your Person with that great trust reposed in you, and yet far beyond the least tincture or suspicion of Disloyalty, I thought none fitter to shelter and protect this small Essay then Your Lordship. I give it then up, My LORD, to Your Patronage, and Tution, in the protection whereof you will demean your self as a true SON of the Holy Catholick Church, and justifie the Honest and Religious service of

MY LORD,

Your Lordships most obliged
and most Humble Servant.

Philothous.



Some Reflections on the Bulls of

PAUL THE THIRD,

AND

PIUS THE FIFTH,

Emitted against KING

HENRY The 8. And QUEEN ELIZABETH

OF

ENGLAND.

THE Christians of the Roman Catholick Communion believe nothing as matter of Faith, but what the Universal Church practises, or a General Council by its Decrees obliges to believe as such; And since neither the Church Catholick in diffusion, or representation practises, or by Her Cannons enjoyns as matters of Faith, *viz.* That its Lawful for Popes upon the Heads of Heresie, Schism, or scandalous iniquity to Excommunicate Kings and absolute

A Princes,

Princes, and thereupon to absolve their natural Subjects from their necessary alledgeance, its the highest injustice to impose this on the Catholick Religion as an Article of Faith.

To clear this, let us first consider what is the practice of the Church diffusive in this affair: Its plain that this dangerous Doctrine so destructive to Humane Societies is disowned by all Catholick Princes and Monarchs, guarding sufficiently against it by their Imperial and Royal Laws, and Constitutions: How do the Italian Princes debate their Temporal Intrests with Popes who sometimes quarrel with them, and defend their secular Rights by the Sword? And who more eagerly and vigourously vindicates his Royal prerogative in Temporal concerns against all the pretensions of Popes, then the *French* King? And its as evident that the Emperour, the Spanish and Polonian Princes by their municipal Laws assert their Imperial and Royal Rights against all mortals. And as this is the practise of Catholick Princes, so is it of the particular Churches within their Dominions and Territories, for they in their Ecclesiastical Conventions declare the independency of their absolute Princes in Temporals, and that the Church cannot pretend by virtue of the power of the Keyes directly, or indirectly to divest any absolute Prince or Monarch of his Royal Rights and Priviledges: Look to the Cannons of the late *Gallican National Assembly*, and to the Universities of *Rehemes, Caen, Poictiers, Valence, Bordeaux, Bourges, &c.* And to the whole Colledge of *Sorbon*, condemning *Sanctarellus* his propositions, *viz.* That the Pope might for Schism or Heresie depose Princes, and exempt Subjects from their Alledgeance: And tho' this Doctrine be charged maliciously upon the generality of the *Jesuits*, yet a provincial Council of that Order cauled publickly to burn *Mariana* his Book for handling problematically that of killing Kings, and this Society in all the Catholick Territories, where they are scattered, do generally renounce that Doctrine so fatal to Civil Authority, else they should not have so easie an access to the Courts of Princes, and find with them such kind receptions as they daily do.

Secondly. There is no Authority from a general Council that allows of this dangerous Doctrine, nor is there any thing like it to be found in the last general Counsel held at *Trent*, in which are all these Articles that oblige the Catholicks as matters of Faith, nor in any other general Counsel prior to that, save what is ignorantly concluded from a Decree of the *Lateran* Council held under *Innocent 3*. But to free this Counsel of any thing that looks like that unhappy Doctrine: Let us notice first, There were present at this Convention held at the *Lateran* the Emperours of the East and West, the Kings of *England*, *France*, *Hungary*, *Jerusalem*, *Cyprus*, *Arragon*, &c. By their Ambassadors, sayes *Mattheus Parisiensis*, who all might have agreed together to have purged their Territories and Dominions from the Heretical crew of the *Waldenses* and *Albigenses*, so that by this compact amongst absolute Princes they might have consented upon their faileure, if not concurring to exterminate the Hereticks, that at the Churches Sentence the guilty should forfeit his Dominion and Property, and the party performing receive it: And this is as warrantable as the Convention made by the confederate Princes at *Smalcad*:

Secondly: The Persons here threatned to lose their Territories and Properties are termed by the Decree, *Domini principales*, and certainly by these the Church never understood absolute Princes, but only petty and Feudatory Lords, who being Superiors over other *Vassals*, had a Dominion *directum* over them to which Lords the *Vassals* owed Fidelity, and with that sometime Subjection, as many do in *Germany*. And of these allenerly are the Words of the *Lateran* Decree to be understood, and not of the Imperial or Regal Dignities, who *ob eminentiam dignitatis*, are still excepted from the highest censures of the Church, as you shall hear anon.

Thirdly. Its more then propable that the *Domini principales* there express were chiefly, if not only the Feudatory petty Superiors, who supported the *Albigenses*, continued

the Heresie and Crooked the Wars. Such as the Earls of *Tholouse*, *Foix*, *Comminges*, and Prince of *Bern*, all Protectors of these Rebellious Hereticks, and it was upon the score of this *Lateran Decree* that *Montferret* was invested in the Superiorities and Territories of *Tholouse* after the Victorious success of the Catholick Princes had against these confederate Nobles.

Let me add further that in theforesaid Decree there is no mention had of *Reges*, but of *Domini*, or of *Regna*, but *Ter-ram*, which certainly relate to the Lands and Possessions of the petty Feudatory Lords.

Lastly, To sum up all, upon supposition that the Counsel so determined, that the Censure should reach all Dignities of the highest Quality (which is morally impossible to think that such absolute powers should consent to their own ruin,) yet still it must be considered that this Decree did relate only to a matter of Discipline or Ecclesiastick Government, in which cases the Church pretends not to Infallibility, for she alters her Government when unavoidable inconveniencies appear: For had that Decree been of Faith, the *Tridentine* Council had not passed it by without a determination, especially since before the Session of that Synod the Hereticks frequently charged this scandalous Doctrine upon the Roman Catholick Church: Yea had that *Lateran Decree* respected the highest Powers without exception, and the Decree being of Faith, then how could the whole University at *Paris*, April 20. 1626. have condemned *Sanctarellus* proposition? Or how could the Collèdge of *Sorbon* together with the Provincial Council of the *Jesuites*, the supposed asserters of the Popal Authority over Kings, have subscribed the said condemnation to the great satisfaction of the Parliament of *Paris*? Certainly if the *Lateran Decree* was of Faith, and extended to Imperial and Regal Dignities, then all the aforesaid Persons must have been Heretical for condemning that proposition of dethroning Princes in case of Heresie, Schism, or some enorme crime: Yea how could

could Popes themselves judicially in the meetings of Cardinals at *Rome*, have censured the Books of *Bellarmino*, *Becan*, and others for asserting the Popes power of deposing Princes as aforesaid ? If before this in the *Lateran* it had been matter of Faith.

We come now to consider some particular instances alleadged for proving this Doctrine to be of Faith in the *Romish* Church, such as the Bulls of *Paul 3.* against *Henry 8.*, and of *Pius 5.* against Queen *Elizabeth of England*, wherein not only these are excommunicated, and their Subjects adhearing to them, struck with the same Sentence, but all Catholick Subjects are also absolved from their alledgeance ; and all Catholick Powers and Dignities abroad commanded under pain of Excommunication, not to corresponte, transact, or converse with them : They are also required to invade these Excommunicated Princes : The Popes giving the Invaders full power thereto. In answer to these sad instances, its replyed by all True and Honest Catholicks. that they cannot justifie the misdemeanours of particular Popes, who through mis-information pick or humour have adventured to do somethings that are unaccountable, since God hath given no promise of an infallible direction to them in all the Instances of their Life, nor hath any Catholick of the most wild and roving Humour dared to plead for their impeccability in their personal or principal Actions, that being proper for Angels and the Spirits of just Men made perfect. However, since these of the Papal Dignity have the Honour of so great and venerable a Character as to be the Chief Bishops of the Church Catholick, and to be Temporal Princes likewise, it were the highest indiscretion, to put a gross and scandalous construction upon their Actions without considering what were the motives that moved them, and measures they used in a matter that seems so Offensive to the World, and Destructive of Humane Society ; and if ye but regard and consider the special care the Divine Providence has had of that *See* above all the particular Churches and Societies in the World, it

would fright any modest and humble Man, from passing a rash and severe Censure against the Supream Governours of that Church: Notice but how the whole Christian World near from the Infancy of Christianity was divided into three Patriarchates, whereof the chief and the most powerful was the Western Church, and the Seat thereof *Rome*, to this all had anciently recourse, saith *Irenaeus*, and in so far was the Churches Unity preserved, for that the particular Churches lived in Conjunction with this, which was founded by the two chief Apostles, St. *Peter* and *Paul*, to the first of which the Circumcision, and to the second the Incircumcision was chiefly committed, so that the whole Christian World being eminently intrusted to these two, and their charge transmitted to the Bishops of *Rome* their Successors, these eminent vast trusts conspire in this Apostolick See: And tho' Infallibility were not allowed to that particular See, yet certainly indefectability cannot in justice be denied it, for we see *de facto*, all the Churches of Apostolick Foundation have failed, and their Successions interrupted, this only remaining entire, and unless we have recourse to Her for the determination of Contraversies relating to Faith, according to the Rule of the Fathers, it shall not be possible to distinguish Catholick Truth, from Heresie: *Tertullian* particularly tells us in his Book of *Prescriptions*, that the only way left the Church by which She should distinguish Heresie, from Truth, was to have recourse *ad Ecclesias matricem*, and thereto enquire if such Doctrines were derived down to them from the Apostolick Foundation: Now since there is no Church in existence of an Apostolick Foundation whose Succession hath not been interrupted, save that of *Rome*, we must needs then have recourse to Her for settling us in matters of Faith, otherwise the Fathers Rule is not practicable, and no means left by God to secure us Infallibly from Errour: So that not only the Indefectability of that See; but the greatness of its principality, and the Wisdom of its Clergy, the confluence of Nations towards Her, and the

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protection of all the Catholick Princes bestowed on Her, all these should strongly oblige us not to pass indiscreetly and rashly a Censure upon the Actions of its chieft Goverour.

But to come to the instances, its answered that the Bull given out by *Paul 3* against *Henry 8*, was concerning a matter of secular intrest or plea of Law, for the ground of the Popes sentence was from that unwarantable deed done by *John of England*, who made a resignation of his Crown to the *See of Rome*, and *England Feudatory* and himself a *Vassall* to that *See*, which deed tho its most certain was *ab origine* null and void, he having no power to alienate his Royal hereditary Rights to any in prejudice of his Lawful Heirs and Successors, yet the Apostolick *See* having had such a grant made to them, several of her Bishops continued the claim of Superiority upon the said Title, And it was certainly upon this head, that *Paul 3* proceeded against *Henry 8*, who had by Act of Parliament renounced all Forreign Jurisdiction, by which *Paul the third* Judged the Apostolick *See*, and *St. Peters Patrimony* prejudged, and thereupon treated *Henry 8* as his *Vassall* and absolved his Subjects from their alledgeance, and requiring all Catholick Princes to concurr to the reducing him as a Rebel, who denyed fidelity to the Apostolick *See* his supposed temporal Lord. Its known to all that ever read the English History that there were great heats between the Roman *See* and the English Kings, upon this pretended Title of the resignation, The Pope still requiring Fidelity and other Feudatory duties from *England*, which were ever Justly denied, Several Laws and Statutes being made in *England* to guard them against that unjust Title. And to make this appear more evident that *Paul the 3* treated *Henry the 8* in this Bull as his supposed *Vassal*, read but the Words of the Bull, *Sect. 15*. Where the Pope command's all that were below an Imperial and Regal Dignity, not to correspond, converse, or transact, with *Henry the eight*, or his Accomplices, or Favourers, under pain of Excommunication, but as for the Imperial and Regal Dignites, he only beseeches and

and exorts them so to do without threatening any such Censure, thus runs the Bull (*præterea ad dictum Henricum Regem facilius ad sanitatem, & prefatæ sedis obedientiam reducendum, omnes & singulos Christianos principes, quacunque etiam Imperiali & regali dignitate fulgentes per viscera miserecordia Dei nostri (cuius causa agitur) hortamur & in domino requirimus, eis nihilominus, qui imperatore & Rege inferiores fuerint, quos propter excellentiam dignitatis à censuris excipimus, sub excommunicationis pænâ mandantes, ne Henrico regi ejusque complicibus, &c.*) Where its plain and undisputable to any, safe quibbling Lawyers, that Imperial and Regal Dignities are still excepted from the great Censure of Excommunication, and that *propter eminentiam dignitatis*, so that *Paul the Third* in his Bull, looked on *Henry the Eighth*, as Feudatory to himself and the Apostolick See, and as no absolute Prince, tho' he was infinitely wrong in so judging: From all this it follows that the Pope dealt with *Henry the Eighth*, in a matter reputed Secular and Temporal, and they Acted one against another as Temporal Princes, contending violently for their secular Rights and concerns, in which matters all Mankind, Pope, and all may Err, and the true Holy and Catholick intrest remain entire and secure, and Catholick Princes are no worse Sons of the Church for maintaining their Rights and Priviledges against all whatsoever: Truly, this grant of King *John's* as it was Originally void and null, so it was done by a most undeserving Governour, who neither knew nor had care of his own Intrest, who was guilty of Rebellion against his Father and Brother, and who murthered his Nephew to usurp the Crown, who lost also all the English Intrest, either by conquest or matches in *France*, not to speak of his Irreligion and Atheism: And as this grant was Originally null and done by so unworthy a Prince, so it was soon revoked by his Successors in Parliament, who in so unjust a matter would have been Highly prejudged, the very Catholick Clergy detesting the Pope for the severe and unjust

Just courses against *England*, because of that Title, as the Bishops of *Durham*, *Winchester*, *Norwich*, &c. Yea the Arch-Bishop of *Canterbury*, then a Cardinal and Legate, being at *Rome*, when a Charter adorned with a Golden Bull was presented at the High Altar in presence of the King, the said Prelate stept in, as the Arch-Bishop of *Dublin* had done at the first grant, and in Name of the Clergy and Kingdom of *England* produced at the same Altar his appeals, and all the Peers accorded with him therein: How did *EDWARD* the First resist the claim of the after Popes? and in *EDWARD* the Third's time did *England* secure their Right by Act of Parliament, where were Prelates, Lords, and Commons, against all the Papal pretensions: Yea a Parliament was held at *London* 1214, being the Year after the Grant, where the Arch-Bishop sat as President with all the Clergy and Laity, and there by command of the Pope, the Charter, Fealty and Hommage, by which the King was obliged to the Pope, was absolutely released on the 7. of July: So that Catholick Princes have still vindicated their Rights against the highest Powers of the Church, and yet judged no Heretics upon the matter.

Lets now consider *Pius 5* his Bull against Queen *Elizabeth*; Its true there he declares to all Catholick subjects that she is no true Princess and absolves her Subjects from their allegiance, but upon good ground, for first consider that if *Mary Queen of England* lawfully succeeded King *Edward 6* her Brother: then *Elizabeth* could have no Title, as my Lord *Beacon* acknowledgeth *H. 7. p. 206*: (the legitimation of Queen *Mary* and *Elizabeth* are incompatible) unless ye justifie both the marriages, which no Christian will adventure, and the Kingdom not being Elective, in that case *Mary Queen of Scotland* should in all Justice have succeeded. *Pius 5th* in his Bull saith *Queen Mary of England* is legitimat (*usu namque veræ religionis*, *quam ab illius desertore Henrico 8*, olim eversam,

Clare mem: *Maria regina legitima, hujus sedis praesidio reparaverat, &c.* now since *Mary Queen of England* is acknowledged the true Child by this Pope, then was *Elizabeth* an natural: all the Lords and Commons in a Parliament in *England* held after the Death of *Edward 6.* acknowledged *Mary* for their Soveraign, and that the marriage of her Mother was good and stood with Gods Law and most Holy Word; which was this same thing as to say that *Elizabeth* was illegitimate, and **LUTHER** the great Reformer deemed her so too, says *Osburn*. **Mem:** *Q: Eliz: p. 5.* Yea look to the date of her birth as its in *my Lord Herberts, H: 8. p. 350.* which was in September the 7. 1533, while *Queen Catherines* divorce was pronounced by *Cranmer*, the Kings Casuist and judge appointed for that end, the 23. of *May* proceeding, so that her Mother was then quick whilst *Henry 8.* was yet Husband to *Queen Catherine*, which continued till the tearm of that Sentence: I know *Stow*, *Speed*, and others alledge a private Mariage between *Henry 8.* and *Anna Bullen*, *Elizabeth* Mother, on *January 25*, yet still *Elizabeth* is born within seven months and a few odd dayes, by which wee may gues at the Honesty of her Mother who brought forth *Elizabeth* into the World as vigorous, lusty, and healthful, as others use to be at the end of nine months. If it be said that the Pope innodates her not for her unjust Title, but for her Religion; to this its answered first, that its evident in that the Pope declared *Queen Mary* legitimate, he must have looked on *Elizabeth* as an unjust usurper, for its impossible to reconcile to them both a just Title of Succession, yea *Pius 5.* in his Bull calls her (*prætensa anglie Regina*) the pretended *Queen of England*, and so not the true.

Secondly. The sad and Unnatural, Inhumane and dishonourable usage done by *Elizabeth*, to *Queen Mary of Scotland*, keeping Her under restraint and in close Prison, moved the Pope to conceal *Queen Mary of Scotland* Her just Title, (of which he was fully perwaded) lest the ex-
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pression thereof might hasten the fatal stroke which at length befel Her.

Thirdly. When the Inhumanity which Queen Elizabeth used against her Cousin Queen Mary was noysed abroad the World over, then did Pius the fifth send Ridolph a Florentine to Consult with the Catholicks in England to an insurrection against Elizabeth, upon which followed the rising in Arms in the North; and tho the Catholick Lords did in their Declaration mention Religion, yet the true cause was the setting Queen Mary of Scotland the true and undoubted Heirels of England, and the Lords proposing Religion then, did *ipso facto* imply the alteration of Religion and Government together, and upon the advancing of the Catholick Religion followed the intrest of Queen Mary, so that the Pope and Catholick Lords did in this as the memorable General Monk did in carrying on the Loyal design of restoring our late Sovereign King Charles II. not daring to express his Name, least it should have marred and ruined his honest purposes.

Fourthly. Cambden tells us 1569. p. 160, that Leonard Deackers second Son to the Lord Deackers of Gyfland, under took the delivery of Queen Mary of Scotland, who then was in Derbyshire in my Lord Shrewsburys keeping, and my Lord Northumberland was cheif compoter in this design, and he also was chief Commander of the insurrection of the North, who as all know intended nothing so much as Queen Mary's Title, tho' in the Declaration of War he Judged fit to conceal and not express it. From all this then its clear that the Pope in his Bull against Elizabeth designed chiefly the setting of the righteous Heir, and he looked on Elizabeth not only as an usurper, but as a Heretical Subject also, whom all were to avoid, because of her Heresie, and not to yeild obedience or alledgeance because of her unjust Title; and in all this affair the Pope acted nothing against the Faith and Doctrine of the Catholick Church, or the true Properties, Intrests, and Priveledges, of

Christian Princes , but rather evidenced his paternal care in securing the Rights and concerns of Monarchs , and suppressing of usurping and unjust Powers , to which he might concurr not only as a Ghostly Father by his Spiritual advices and censures , but as a Temporal Prince gave aid and assistance to settle and reposess Lawful and righteous Heires thrust from their legal Rights.

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